



DOCKET NO.: 49248

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

STADLER et al.

: GROUP/ART UNIT: 1616

SERIAL NO.: 09/762,044

:

FILED: FEBRUARY 1, 2001

: EXAMINER: LEVY, NEIL S.

FOR: SOIL-APPLIED GRANULES WITH CONTROLLED RELEASE OF ACTIVE
INGREDIENT(S) (SOIL-APPLIED CR GRANULES)

DECLARATION UNDER 37 C.F.R. §1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Now comes Dr. Reinhold Stadler who deposes and states:

1. I am a graduate of University of Karlsruhe, Germany, and received my doctorate degree in the year 1986.

2. I have been employed by BASF since January 1987 as a Research Engineer in the field of process engineering and formulation development.

3. I am one of the inventors of the subject-matter disclosed and claimed in Application Ser. No. 09/762,044 and I am therefore familiar therewith. I am also one of the inventors of the Canadian patent application no. 2,178,655.

4. I have read and fully understood the Office Action of January 22, 2004 and the prior art cited therein.

5. The following experiments were carried out by me or under my direct supervision.


5.1 Experiments

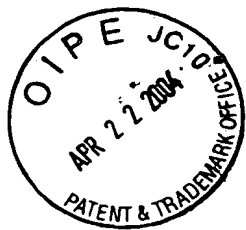
I have reproduced the reaction conditions of Examples 1, 2, 3 and 5 of CA 2,178,655 (Saur et al.). The results are listed in the annexed table. The table shows that the heat input [kJ/kg polymer] is always markedly lower than 12000 kJ. For those CR granules a marked reduction of emergence failure was observed due to the initial rapid release of active ingredient, but shortly before harvesting they proved less efficient. The CR granules according to the invention overcome this deficiency.

7. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent saith not.

Ludwigshafen,


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test report

CA 2,178,655 example	carrier	coating [%]	gas volume flow [m/s]	inlet temperature [°C]	product temperature [°C]	outlet temperature [°C]	spraying time [min]	spraying rate [g/min]	after- baking time [min]	heat input [kJ / kg]	heat input [kJ / kg polymer]
1	NP 20/20	5%	1,25	40	40	39	70	25	10	106	2126
2	NP 20/20	10%	1,25	48	46	45	175	25	0	221	2209
3	NP 20/20	15%	1,25	45	44,5	44	200	25	0	84	561
5	NP 20/20	10%	1,25	45	44,5	44	125	25	0	53	526

NP 20/20 = Nitrophoska fertilizer